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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,200	06/08/2000	Simon G. Thompson	36-1494	9948

7590

12/30/2004

Nixon & Vanderhye PC
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1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/589,200	Applicant(s) THOMPSON ET AL.	
	Examiner Qamrun Nahar	Art Unit 2124	

-- **Th MAILING DATE of this communication appears on th cover sheet with the correspond nc address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the RCE filed on 11/30/2004.
2. The rejection under 35 U.S.C. 102(e) as being anticipated by Gryphon (U.S. 6,233,537) to claims 1-22 is moot in view of the new ground(s) of rejection.
3. Claims 1 and 10 have been amended.
4. Claims 1-22 are pending.
5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gryphon (U.S. 6,233,537) in view of Ernst (U.S. 5,890,133).

Response to Amendment

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gryphon (U.S. 6,233,537) in view of Ernst (U.S. 5,890,133).

Per Claim 1 (Amended):

Gryphon teaches a method of generating a process plan ("A modeling system for the visual presentation of event-driven business processes, composed of multiple plan elements, is provided." in column 1, lines 50-65) comprising: storing at least one generic process plan,

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storing at least one non-generic process element containing a predetermined pattern (“Visual BML is modular. Each Visual BML diagram, referred to as a “plan,” describes the attributes and relationships of a single planned process. Each symbol can be deployed (reused) within the plans for other symbols as appropriate.” in column 2, lines 1-5), searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to newly generate a process plan so that the newly generated process plan contains process instructions that are non-identical than that of the generic process plan, and outputting the newly generated process plan (column 6, lines 1-20; column 6, lines 47-67 to column 7, lines 1-57; “Action” is interpreted as a non-generic process element, where “Action” is associated with “Step”. A generic process plan is defined as a sequence of Steps, where each step is searched for an action that is associated with the step, and then an action is defined and deployed as part of the step; thereby, generating a new process plan.). Gryphon does not explicitly teach to newly generate a process plan at runtime. Ernst teaches to newly generate a process plan at runtime (column 7, lines 9-23).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Gryphon to newly generate a process plan at runtime using the teaching of Ernst. The modification would be obvious because one of ordinary skill in the art would be motivated to take into consideration the dynamic behavior of the flow of business process (Ernst, column 2, lines 33-36).

Per Claim 2:

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The rejection of claim 1 is incorporated, and Gryphon further teaches the steps of receiving for storage at least one generic process plan and receiving for storage at least one non-generic process element (column 8, lines 16-25).

Per Claim 3:

The rejection of claim 1 is incorporated, and Gryphon further teaches each stored generic process plan is indexed in accordance with a goal to be achieved by the plan, receiving a goal input, and selecting a generic process plan for searching, said selection being in accordance with the received goal input (column 6, lines 1-14).

Per Claim 4:

The rejection of claim 1 is incorporated, and Gryphon further teaches at least one non-generic process element comprises resource information, identifying one or more resources to support a process step in a generated process plan (column 6, lines 56-66).

Per Claim 5:

The rejection of claim 4 is incorporated, and Gryphon further teaches each stored non-generic process element comprising resource information is indexed in accordance with one or more relevant resources (column 6, lines 56-66).

Per Claim 6:

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The rejection of claim 1 is incorporated, and Gryphon further teaches at least one inserted process element comprises data (column 6, lines 56-66).

Per Claim 7:

The rejection of claim 1 is incorporated, and Gryphon further teaches at least one non-generic process element comprises context specific method steps or data and is indexed for storage according to the relevant context (column 6, lines 56-66).

Per Claim 8:

The rejection of claim 7 is incorporated, and Gryphon further teaches the context for at least one non-generic process element is service type (column 6, lines 46-66).

Per Claim 9:

The rejection of claim 7 is incorporated, and Gryphon further teaches the context for at least one non-generic process element is customer type (column 6, lines 56-66).

Per Claim 21:

The rejection of claim 1 is incorporated, and Gryphon further teaches wherein the content introduces new process steps with respect to the generic process plan (column 7, lines 37-40 and lines 52-57).

Per Claim 22:

The rejection of claim 1 is incorporated, and Gryphon further teaches wherein the content advises existing process steps of the generic process plan (column 6, lines 10-12).

Per Claims 10 (Amended) & 11-20:

These are apparatus versions of the claimed method discussed above (claims 1-9 and 21-22, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Response to Arguments

8. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Thursdays from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays.

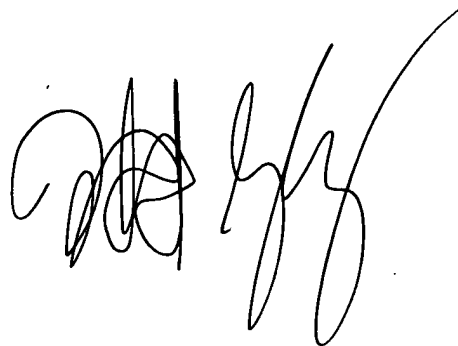
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (571) 272-3719. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
December 16, 2004

A handwritten signature in black ink, appearing to read 'TODD INGBERG', with a long, sweeping flourish extending from the end.

**TODD INGBERG
PRIMARY EXAMINER**